

### **REMARKS**

This is in full and timely response to the restriction requirement made in the Office Action mailed on June 7, 2006. Reexamination in light of the following remarks is respectfully requested.

#### **Election**

The Applicant, through its representatives and attorneys, hereby provisionally elects, with traverse, the invention of Figures 1-3, having claims 1-4 and 9.

#### **Traversal**

For the reasons provided hereinbelow, the restriction requirement made within the Office Action mailed on June 7, 2006 is respectfully traversed.

The above-identified application is an application under 35 U.S.C. §371

M.P.E.P. §1893.03(d), provides that the **principles of unity of invention** are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. Unity of invention, not restriction practice, is applicable in international applications and in national stage (filed under 35 U.S.C. §371) applications.

#### **Restriction requirement**

The restriction requirement made within the Office Action of June 7, 2006 applies the restriction practice set forth within M.P.E.P. §809.02, but fails to apply the principles of unity of

invention in making this restriction requirement. As a result of this failure, the restriction requirement made within the Office Action of June 7, 2006 is improper and should be withdrawn.

Withdrawal of the restriction requirement and examination of all pending claims is respectfully requested. Moreover, examination in accordance with any figure found within the above-identified application as appropriate is respectfully requested.

Favorable reconsideration of the restriction requirement in light of the traversal provided hereinabove is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: June 28, 2006

Respectfully submitted,

By  

David T. Nikaido

Registration No.: 22,663

Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

1233 20th Street, N.W.

Suite 501

Washington, DC 20036

(202) 955-3750

Attorneys for Applicant